

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF THE
EXTRADITION OF TOMMY MOLINA

4:23MJ3071

ORDER OF CERTIFICATION AND
COMMITTAL FOR EXTRADITION

Having held an extradition hearing on August 4, 2023, and after considering the evidence, in particular, the certified and authenticated documents submitted by the Federal Republic of Germany, and the pleadings and the arguments of both counsel, the Court finds and certifies to the Secretary of State as follows:

(1) This Court has jurisdiction over, and the undersigned is authorized to conduct, extradition proceedings pursuant to Title 18 U.S.C. § 3184;

(2) This Court has personal jurisdiction over Tommy Molina, (“Fugitive”) found and arrested on June 22, 2023, in this District pursuant to a complaint filed by the United States in response to the request of the Federal Republic of Germany for the extradition of the Fugitive;

(3) The extradition treaty between the United States and the Federal Republic of Germany¹ (“Treaty”) was in full force and effect at all times relevant to this action;

¹ Extradition treaty in force between the United States and Germany, the Treaty Between the United States of America and the Federal Republic of Germany Concerning Extradition, U.S.-F.R.G., June 20, 1978, T.I.A.S. No. 9785, *as amended by* the Supplementary Extradition Treaty with the Federal Republic of Germany, U.S.-F.R.G., Oct. 21, 1986, S. Treaty Doc. No. 100-6 (1987), *and* the Second Supplementary Treaty to the Treaty Between the United States of America and the Federal Republic of Germany Concerning Extradition, U.S.-F.R.G., Apr. 18, 2006, S. Treaty Doc. No. 109-14 (2006) (collectively, the “Treaty”).

(4) The Tommy Molina sought by the German authorities and the Tommy Molina arrested in this District for extradition and brought before this Court are one and the same person;

(5) The Fugitive has been charged in Federal Republic of Germany with murder in violation of Section 211 of the German Criminal Code. The Federal Republic of Germany has jurisdiction over this criminal conduct;

(6) The Treaty, pursuant to Article 2, encompasses the offense for which the Fugitive has been charged and for which extradition is sought for prosecution;

(7) The Federal Republic of Germany submitted documents that were properly authenticated and certified in accordance with Treaty Article 29. Those documents include the pertinent text for the crime with which the Fugitive has been charged;

(8) There is probable cause to believe that the Fugitive before this Court, the same person identified in the extradition request from the Federal Republic of Germany, committed the offense of murder for which extradition is sought. This finding rests upon the parties' submissions and documents submitted by the Federal Republic of Germany in this matter, which were admitted into evidence during the August 4, 2023, extradition hearing under Treaty Article 29as Exhibit 1.

THEREFORE, pursuant to 18 U.S.C. § 3184, the above findings, in addition to findings made and the decision rendered during the August 4, 2023, extradition hearing, which are incorporated by reference into this Certification, I certify the extradition of the Fugitive, Tommy Molina, to the Federal Republic of Germany on the offense for which extradition was requested, and commit the Fugitive to the custody of the United States

Marshal pending further decision on extradition and surrender by the Secretary of State pursuant to 18 U.S.C. § 3186.

I further order that the Clerk of this Court forward a certified copy of this Order of Certification and Committal for Extradition, together with a copy of the evidence presented in this case, including the formal extradition documents received in evidence and any testimony received in this case, to the Secretary of State, or that the same be provided to the Assistant United States Attorney for this District for transmission to the United States Secretary of State.

Dated August 7, 2023.

BY THE COURT:


United States Magistrate Judge